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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,639	07/11/2003	James Brian Vrotacoe	600.1282	4272
23280	7590	04/18/2005	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			EVANISKO, LESLIE J	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/617,639	<b>Applicant(s)</b> VROTACOE ET AL.	
	<b>Examiner</b> Leslie J. Evanisko	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02/24/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14, 17 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2, 4-11, 21 and 24 is/are allowed.
- 6) ☒ Claim(s) 20, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 12-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                                 |                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12-17-2004</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, Species IF shown in Figure 2D, claims 1, 2, 4-14, and 17 in the reply filed on June 3, 2004 is acknowledged.
2. Claims 3 and 17\*\* have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 3, 2004. \*\*Note the Examiner's comments in the Office Action dated July 28, 2004 for the reason why claim 17 was withdrawn.

Additionally, with respect to applicant's request to reinstate and allow withdrawn claims 3 and 17 in the amendment dated February 24, 2005, the Examiner makes the following comments:

With respect to claim 17, as pointed out by the Examiner on page 2 of the Office Action dated July 28, 2004, claim 17 is an exact duplicate of claim 14 and therefore, it appears that claim 17 should be canceled since claim 14 has been allowed.

Additionally, with respect to claim 3, it is noted that claim 1 is drawn to a printing blanket per se, the printing blanket including a carrier sleeve layer

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having at least one axially convex surface. Thus, claim 1 is not necessarily a generic claim, since it is drawn to a printing blanket per se, wherein the carrier sleeve layer (by itself) has an axially convex surface. Claim 1, as written, is specifically applicable to the embodiments shown in Figures 2A-2G. Claim 3 then recites that the carrier sleeve is of uniform thickness. However, it is noted that paragraph [0010] in the specification states that when the carrier sleeve is of uniform thickness, the surface convexity is provided by the blanket cylinder or a shim (i.e., the embodiments shown in Figures 1A-1B and 3A-3B).

Therefore, claim 3 appears to be drawn to a different invention/embodiment from that recited in claim 1, since a convex cylinder surface or a shim is additionally required to provide the convexity to the blanket. The blanket itself in the embodiments shown in Figures 1A-1B and 3A-3B does not have at least one axially convex surface. Therefore, since claim 3 is drawn to a non-elected invention/embodiment, claim 3 should also be canceled.

### ***Claim Objections***

3. Claims 12-14 are objected to because of the following informalities: With respect to claim 12, it is suggested that the phrase --the carrier sleeve layer-- be inserted after "and" (first occurrence) in line 5 to insure the claim language is clear that it is the carrier sleeve layer (and not the blanket in general) that has the axially convex surface. Appropriate correction and/or clarification is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 20 and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Behnke et al. (US 5,863,367). Behnke et al. teach a printing blanket comprising a carrier sleeve layer (i.e., compressible layer 5 including thread 14, elastomeric matrix 15, and cells 16) having at least one axially convex surface (see Fig. 4), the carrier sleeve layer 5 being an innermost layer of the printing blanket (Behnke et al. teach the thread 14 is wrapped on print cylinder 13 as described in column 6, lines 37-41), and a print layer 9 disposed over the carrier sleeve layer. See, in particular, the embodiment shown in Figure 4 and described in column 6, lines

With respect to claim 22, Behnke et al. teach a printing blanket comprising a carrier sleeve layer 5 having at least one axially convex surface, and a print layer 9 disposed over the carrier sleeve layer, and a “compressible” layer 17 disposed between the carrier sleeve layer and the print layer. See, Figure 4 in particular. Note the layer 17 can be considered to be compressible to some extent and therefore meets the claim language as recited.

With respect to claim 23, note Behnke et al. also including an inextensible layer 11 disposed over the compressible layer 17 and underneath the print layer 9.

***Allowable Subject Matter***

6. Claims 1-2, 4-11, 21, and 24 are allowed.
7. Claims 12-14 are objected to for the reason set forth above, but would be allowable if rewritten to overcome the objection to the satisfaction of the Examiner.

***Response to Arguments***

8. Applicant's arguments with respect to claims 20, and 22-23 have been considered but are moot in view of the new ground(s) of rejection.
9. Applicant's arguments, see the amendment, filed February 24, 2005, with respect to claims 1-2, 4-14, 21 and 24 have been fully considered and are persuasive. The prior art rejection of claims 1-2, 4-14, 21, and 24 has been withdrawn and the claims are now allowed.

***Conclusion***


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone

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number is **(571) 272-2161**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Leslie J. Evanisko  
Primary Examiner  
Art Unit 2854

lje  
April 14, 2005